

Bill Summary
2nd Session of the 57th Legislature

Bill No.:	SB 1466
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Author:	Sen. Daniels
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Bill Analysis

SB 1466 creates the Student and Administration Equality Act. The measure states that students enrolled at an institution within the Oklahoma State System of Higher Education who are accused of a disciplinary or conduct violation that carries a potential penalty of 10 or more days of suspension or expulsion have the right to be represented by an attorney or nonattorney advocate. The complaining student also has the right to an attorney or a nonattorney advocate if the proceeding involves a student complaint against another student. The measure allows an institution of higher education to question a student prior to a disciplinary proceeding about allegations of violating the disciplinary or conduct rules when the potential penalty is 10 or more days of suspension or expulsion. Institutions shall advise students of their rights. The measure provides for the contents of such notice.

Students facing an allegation of academic dishonesty do not have the right to an attorney or nonattorney advocate. A student organization that is accused of a violation of disciplinary or conduct rules has a right to an attorney or nonattorney advocate. The measure requires the institution to provide an accused student or student organization a live hearing to contest the allegations or an alternative procedure and states that if an institution must choose between competing narratives to resolve a case, the accused student or his or her advocate can cross-examine the accuser and witnesses. The measure directs the institution to ensure all parties to a proceeding have access to evidence no later than one week prior to the start of any formal hearing or similar proceeding and prohibits conflicts of interest in the proceeding. These procedures do not prevent the temporary suspension of a student pending an investigation. The measure also allows a student whose rights under the Student and Administration Equality Act have been violated to bring action in any state court. A court that finds a violation shall award compensatory damages, reasonable court costs and attorneys' fees. The measure requires a student to bring suit within one year.

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